

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ROSALY RAMIREZ, KATHERINE BELL, LORNA
THOMAS, LINDA WILLIAMS and JONATHAN
FRIAS, on behalf of themselves and all others similarly
situated,

Index No.: 13-cv-2367 (JGK)

**DECLARATION OF
JONATHAN BARDAVID**

Plaintiffs,

v.

RIVERBAY CORP., MARION SCOTT REAL
ESTATE, INC., VERNON COOPER, and PETER MEROLA,

Defendants.
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I, JONATHAN BARDAVID, declare under penalty of perjury under the laws of the
United States of America pursuant to 28 U.S.C. §1746 that the foregoing is true and correct:

1. I am an associate at Trivella & Forte, LLP, counsel for Riverbay Corp., Marion Scott Real Estate, Inc., Vernon Cooper and Peter Merola (collectively "Defendants"). I submit this Declaration in opposition to the motion of Rosaly Ramirez, Jonathan Frias, Lorna Thomas, Linda Williams and Katherine Bell (collectively "Named Plaintiffs") seeking certification of their New York Labor Law wage and hour claims pursuant to Rule 23 of the Federal Rules of Civil Procedure.

2. Annexed hereto as Exhibit 1 is a true and correct copy of excerpts of the deposition transcript of Rosaly Ramirez, held on October 9, 2013.

3. Annexed hereto as Exhibit 2 is a true and correct copy of excerpts of the deposition transcript of Jonathan Frias, held on October 9, 2013.

4. Annexed hereto as Exhibit 3 is a true and correct copy of excerpts of the deposition

transcript of Linda Williams, held on October 1, 2013.

5. Annexed hereto as Exhibit 4 is a true and correct copy of excerpts of the deposition transcript of Katherine Bell, held on October 1, 2013.

6. Annexed hereto as Exhibit 5 is a true and correct copy of excerpts of the deposition transcript of Lorna Thomas, held on October 3, 2013.

7. Annexed hereto as Exhibit 6 is a true and correct copy of excerpts of the deposition transcript of the deposition transcript of Francisco Colon, held on February 21, 2014.

8. Annexed hereto as Exhibit 7 is a true and correct copy of excerpts of the deposition transcript of Balto Pepa, held on December 17, 2013.

9. Annexed hereto as Exhibit 8 is a true and correct copy of excerpts of the deposition transcript of Becir Palamar, held on December 17, 2013.

10. Annexed hereto as Exhibit 9 is a true and correct copy of excerpts of the deposition transcript of Debra Pilla, held on September 4, 2013.

11. Annexed hereto as Exhibit 10 is a true and correct copy of excerpts of the deposition transcript of Herbert Freedman, held on January 14, 2014.

12. Annexed hereto as Exhibit 11 is a true and accurate copy of excerpts of the Punch Detail Report for Lorna Thomas for the period of April 1, 2007 through March 31, 2013.

13. Annexed hereto as Exhibit 12 is a true and accurate copy of Exhibit 3 from the deposition of Lorna Thomas, which includes Daily Overtime Authorization forms for Ms. Thomas for weeks ending, 1/27/07, 10/17/09, 11/16/12, 1/4/13, 12/21/12, and 11/27/12.

14. Annexed hereto as Exhibit 13 is a true and accurate copy of Exhibit 4 from the deposition of Lorna Thomas, which includes a Daily Overtime Authorization form for Ms. Thomas

dated April 9, 2008 covering week ending 2/9/08 through 4/5/08.

15. Annexed hereto as Exhibit 14 is a true and accurate copy of the Punch Detail Report for Balto Pepa covering the period April 2, 2007 through April 27, 2007.

16. Annexed hereto as Exhibit 15 is a true and accurate copy of the E-laws FLSA Hours Worked Advisor, available at www.dol.gov/elaws/esa/flsa/hoursworked/screenee29.asp.

Executed this 28th day of April 2014



JONATHAN BARDAVID (JB 0072)